

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ANGELO PARKS,

Petitioner,

Civil Case No. 08-10780

HONORABLE PATRICK J. DUGGAN

v.

NICK LUDWICK,

Respondent,

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**ORDER DENYING CERTIFICATE OF APPEALABILITY**

Petitioner Angelo Parks (“Petitioner”) filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, which this Court subsequently denied on November 20, 2009. Petitioner filed a notice of appeal with respect to the Court’s decision on December 18, 2009. To proceed on appeal, Petitioner must obtain a certificate of appealability from this Court. 28 U.S.C. § 2253.

Section 2253 provides that a certificate of appealability may issue only if a petitioner makes a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). As the Supreme Court has stated, when a district court denies a habeas petition on the merits of the claims presented, a certificate may issue if the petitioner demonstrates that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484, 120 S. Ct. 1595, 1604 (2000). When a district court denies habeas relief on procedural grounds without reaching the petitioner’s constitutional claims, a certificate may issue if the

petitioner shows that jurists of reason would find it debatable whether (1) the petition states a valid claim of a denial of a constitutional right; *and* (2) the district court was correct in its procedural ruling. *Id.* at 484-85, 120 S. Ct. at 1604.

Petitioner raised the following claims in support of his petition:

1. insufficient evidence to support his conviction of first-degree home invasion based on the underlying felony of criminal sexual conduct; and
2. that he was required to answer a charge not contained in the original information.

This Court dismissed Petitioner's first ground for relief on its merits and his second ground for relief on procedural grounds.

Petitioner fails to establish that reasonable jurists would find the Court's assessment of his first claim debatable or wrong and that the Court's procedural ruling with respect to his second claim was incorrect. Accordingly, the Court holds that Petitioner is not entitled to a certificate of appealability.

**SO ORDERED.**

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Date: December 22, 2009  
Copies to:  
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